

Flawed Diplomacy

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Flawed Diplomacy provides an insider's candid look at, and tells the story of, the UN's flawed efforts to combat terrorism, and how these efforts were shaped and sometimes sabotaged by conflicting forces and interest groups from inside and outside the United Nations.

In 2002, after leaving the Department of State, I was recruited to join a team of five UN international monitors attached to the Security Council's Al Qaeda and Taliban Sanctions Committee and charged with observing and reporting on the steps countries were taking to comply with the UN sanctions against al Qaeda and the Taliban. Our findings highlighted the clear inadequacies of these counter-terrorism measures and called for further steps to be taken. The excitement and frustration of that work, and our abrupt dismissal when our criticisms began to cut to deep, motivated me to take a more in depth look at the United Nation's role in combating terrorism. This book is a product of that experience and my research.

The United Nation's response to international terrorism has been intermittent, uneven and quite disappointing. Caught up in international rivalries, local wars, conflicts disguised as wars of liberation, and, sometimes just base third world rhetoric, the organization failed, and often just refused, to grapple with terrorism's tough issues. Too often terrorist groups were able to rely on sympathetic governments, supporters and donors for resources and support. And, many of these terrorist groups were, in turn, co-opted by countries to service their national agendas, rivalries or interests. This was particularly the case in the Middle East where Israel became a principal target of terrorist attacks and a scapegoat for third world frustrations and anti-colonialism sentiment. The major powers, vying for friends and influence within the third world, and the Middle East, watched this happen and ceded control to a combined bloc of Middle East and Afro-Asian countries, allowing them to dominate, and eventually to dictate the nature of the United Nation's response. Both the West and Russia have suffered greatly from these failings.

A defining moment came in Munich on September 5, 1972, when eight Palestinian terrorists broke into the Olympic village. The ensuing slaughter of eleven Israeli team members, and the botched German rescue put terrorism on every front page. Despite an international outcry, the United Nations appeared incapable to respond. Rather than move forward against the terrorists, the General Assembly locked itself in a debate over the "root causes of terrorism," and the Security Council avoided taking any action. As a result of Western mishandling the "terrorism agenda" was turned by the Arab States into a resolution calling for the study of "the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair, and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes." UN Secretary General Kurt Waldheim can be singled out for much of the blame. But, he shares that spotlight with feckless Western diplomats in New York, Washington and other Capitals who acquiesced in this base third world response. As for the surviving Munich terrorists, they went scotch free.

Since 9/11 the United States and a handful of other countries have sought to vanguard a more concerted Security Council effort to go after the terrorists. But, the

measures adopted by the Security Council make no provision for accountability and lack real teeth. Terrorism continues to threaten international peace and remains a principal preoccupation for our own homeland security.

A High Level Panel convened in 2003 by Secretary General Kofi Annan considered these failings along with the systemic issues that long plagued the United Nations. The General Assembly, they concluded, had lost its “vitality” and was not focusing effectively on the compelling issues of our time. The Security Council, they said, had also lost credibility. It needed to become “more proactive” in dealing with crises, and with terrorism. As for the Secretariat, it was in dire need of an overhaul. This was a pretty negative assessment of the organization in which we all place such great hope. Few, if any of the systemic changes recommended by the High Level Panel have yet been adopted or implemented.

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Book Excerpts

The following are excerpts from the book that can be used to provide potential readers a sense of its content and thesis. I have rearranged the order in which they appear in the book to serve this purpose. Perhaps one or more the excerpted paragraphs below can serve as a blurb on the rear cover, or be used otherwise to promote the book .

On the Role of the United Nations

“The United Nations is considered by many as the essential organization in international affairs. It is the central forum where the international community comes together to interact and to provide the political, moral and legal basis for international action. The organization’s principal mission has always been to work for, and preserve, international peace and security, and its Charter provides a broad mandate for UN action. Yet, when it comes to terrorism, perhaps today’s gravest threat to international peace and security, it has been hesitant, slow to act, and less than effective.”

“There were numerous attempts over the years to engage the United Nations in a meaningful campaign against State supported and other terrorist activities. But, on each occasion, the issues were hijacked by the defenders of those groups engaging in terrorism. They were deemed “insurgent groups” or “freedom fighters” and defended on the basis that they were really asserting, or fighting for, “self determination,” or otherwise engaged in popular uprisings or “civil wars.” This made it exceedingly difficult to gain an international consensus on these issues. This “lack of consensus” resulted, and continues to result, in many countries justifying their continuing support for such groups as Hamas and Hezbollah, despite their evident use of terrorist tactics to achieve their objectives.”

“The United Nations, itself, is ill-suited for taking on an enhanced sanctions enforcement role beyond monitoring, observing and reporting on compliance issues.

UN procedures are cumbersome and very political. Diplomatic niceties and political realities hamper timely and forthright action. And few countries have been willing to share sensitive information or intelligence on terrorism to so broad a forum. The UN Secretariat has little grounding in counter-terrorism expertise. And secretariat hiring procedures may not be conducive to putting together the needed secure expert human resource base. During the Bosnian war, for example, the UN had to be convinced to turn over implementation to regional enforcement groups in order to get the sanctions on Serbia to work. These sanctions then became the most successful in United Nation's history."

On airline hijackings and the road to 9/11

"The road to 9/11 might well be said to have begun with the hijacking of El Al flight 426 from London via Rome to Tel Aviv on July 23, 1968. Three well dressed Arab passengers, carrying concealed pistols and hand grenades, commandeered the plane in flight. They ordered the plane's captain, Oded Arbarbanell, to head for Algiers....The Israeli government, which had no relations with the Algerian government, appealed directly to the UN Security Council, the ICAO, and other international air transport organizations for assistance in obtaining the release of the plane, passengers and crew, but to no avail.... While the Security Council debated, and the ICAO made references to article 11 of the 1963 treaty, not yet in force, Israel was forced, on its own, to seek out a friendly intermediary through which it might engage in some form of negotiations with the hijackers. After five long weeks of stalemate, Israel agreed to hand over 16 convicted Arab terrorists, in exchange for the Israelis' safe release, establishing blackmail as a precedent that would long haunt the international community. No punitive action was ever taken against any of the hijackers."

On the UN's failure to respond to the Munich Olympics Terrorist Attack

"The terrorist attack at the Munich Olympics had sparked international outrage, and Waldheim knew that the credibility of the United Nations was on the line. But, he failed to anticipate the strong opposition he would encounter from the General Assembly's G77 and Non Aligned Movement members. Nor did he envisage that Western European countries initially behind his initiative would go soft so quickly. Despite the international outcry, not one UN member had put the Munich terrorist attack on the Security Council's or General Assembly's Agenda. The Waldheim counter-terrorism initiative turned out to be a complete fiasco, and set a tone of debate that stymied the General Assembly's ability to move forward productively against terrorism for the next two decades. If anything, the exercise underscored the rift that had developed between third world's developing countries and the West. And, the Soviet Bloc showed itself eager to exploit this growing rift."

On the UN's response to 9/11

"The United States and the other authors of the resolution ...hoped that resolution 1373 {adopted shortly after 9/11} and the Counter-Terrorism Committee it established, would provide a useful platform for exchanging intelligence and other information on terrorists, their plans, support mechanisms and capabilities.... {But} without common criteria, or a definition of terrorism each country remained free to decide for themselves which groups should be called terrorists and which were to be hailed as "freedom fighters." Saudi Arabia used this distinction, for example, to justify

its continuing funding for Hamas while Iran and Syria used it to provide funds and support to Hezbollah. Many other countries also simply avoided taking any steps to freeze funds or take other civil or criminal action against those individuals or groups whose political goals they supported.”

“Convincing the Security Council to adopt a system that would lead to the identification of specific individuals and entities as terrorists, and require each country to take action to freeze their assets, deny them access to economic resources, stop their travel, and impose an arms embargo against them, posed a much greater challenge. ... The designation system contained in resolutions 1333 and 1390.... was highly controversial and had already come in for heavy international criticism. It is no slight accomplishment that the United States was still able to negotiate such an arrangement and to get the other 14 Security Council members to sign on. This was the first time that the Security Council was willing to specifically name, and act against, any terrorist organization.”

On post 9/11 actions and failings

There can be no doubt that the international community, with help and direction from the UN Security Council, and its various counter-terrorism activities, has made strides in countering and stalemating al Qaeda and the Taliban. In the eight years since the 9/11 attacks Al Qaeda and its associated networks have lost considerable strength, both structurally and in the forum of world public opinion, Yet, both Al Qaeda and the Taliban remain undefeated and resurgent. And, they continue to pose, in the words of a recent U.S. State Department report, “the greatest terrorist threat” to international peace and security. Having found refuge and safe haven in the remote Pakistan/Afghan border area and in Pakistan’s Federally Administered Tribal Areas (FATA), they have worked to reconstitute themselves, and have re-established and expanded upon links and lines of influence with disparate sympathy groups around the world willing to do their bidding”

“The contemporaneous terrorist attacks and bombings in Saudi Arabia, Chechnya, Morocco and Afghanistan stood as strong witness to the fact that al Qaeda and like-minded groups continued to pose a significant threat to international peace and security. The war in Iraq and its aftermath had also become recruitment posters for al Qaeda around the world. The Committee’s Consolidated List was not keeping pace with the changes occurring in Al Qaeda’s structure or leadership, and increasingly became outdated. It increasingly became apparent that al Qaeda had been able to reconstitute a significant, even if somewhat smaller, financial support network. This network relied heavily on charities, the internet and informal transfer mechanisms. Curtailing al Qaeda’s access to these financial resources would require a sustained international cooperative effort. Yet, implementation and enforcement of the asset freeze and other sanctions measures remained uncertain, uneven and lagging; nor had there been improvement in the sharing of information between countries facing the threat of al Qaeda terrorism.”

“On September 14, 2005, world leaders from some 150 countries came to New York for a three-day United Nations Summit. The event also marked the opening of the

General Assembly's sixtieth anniversary session. International terrorism was one of the key issues to be addressed. And once again, loud condemnations of international terrorism and calls to action were voiced by just about each speaker. President George Bush was among the first. Terrorism, he reminded the chamber, had come to Tunisia, to Indonesia, to Kenya, to Tanzania, to Morocco, to Israel, to Saudi Arabia, to the United States, to Turkey, to Spain, to Russia, to Egypt, to Iraq and to the United Kingdom. And those who have not seen attacks on their own soil still shared in the sorrow -- from Australians killed in Bali to Italians killed in Egypt, to the citizens of dozens of nations who were killed on 11 September 2001. 'The terrorists must know,' he said. 'that the world stands united against them. We must complete the comprehensive convention on international terrorism that will put every nation on record. The targeting and deliberate killing by terrorists of civilians and non-combatants cannot be justified or legitimized by any cause or grievance.'

On the role of the Security Council

"The Security Council has now spent the last nine years talking to itself about the need to upgrade international compliance with the counter-terrorism norms that have been put in place. And, its recent counter-terrorism resolutions have stressed the importance of compliance, and call on countries and its own committee's to do more in this regard. Yet, UN monitoring activities remain very discrete, "naming and shaming" is shunned, and, since 9/11 no country has been held accountable for its counter-terrorism failings. Little, if any, use has been made of the thirteen international conventions now in place for dealing with terrorism. And, apart from the special circumstance situations of Libya, Sudan, and the Taliban, the Security Council has failed to threaten or take action against any country for failing to comply with international counterterrorism norms."

On implementation of Security Council measures and "naming and shaming"

"Effective monitoring and oversight are critical for effective international sanctions. For international sanctions to work there must be some assurance that the measures are being applied equally and effectively by all the key players. If not, the sanctions are easily circumvented and undermined. While the UN Security Council is well placed to design and impose sanctions, and can draw on necessary expertise for this purpose, it is not well placed to oversee and monitor actual implementation and enforcement of the sanctions. That function must be assigned to an independent group which, in turn, can make its findings known to the Security Council. Such an independent group would bring increased transparency and credibility to the sanctions enforcement process. It would also place increased pressure on countries to comply with the sanctions measures. The al Qaeda and Taliban Sanctions Committee and the Security Council itself, will never be in a position to truly question what specific countries are doing in this regard. There is just too much diplomatic and political baggage involved in their initiating such inquiries or findings, except, perhaps for the most egregious cases which might themselves merit special Security Council action."

"Government officials were always willing to present their own standard "dog and pony show," and to reiterate the self serving points contained in their submissions to the Al Qaeda Committee, but they were uniformly reticent to share real details or sensitive information with members of the Monitoring Group. Many governments

also interposed investigational, judicial or banking secrecy restrictions with regard's to the Group's inquiries. To compensate, the members of the Monitoring Group made private contact with counter-terrorism investigators and researchers, former intelligence officers, and experts at universities and in the private sector. Several members of the team also reached out to former government colleagues for potential information links and assistance."

"During a press conference associated with the presentation of the July, 2003 report to the Committee, the chairman of the Group, Michael Chandler, was asked whether the report would indicate links between the Saddam Hussein regime and al Qaeda. Chandler responded that "nothing has come to our notice that would indicate links. That doesn't mean to say it doesn't exist. But from what we've seen the answer is no." This simple, frank and honest response immediately captured broad media attention. For, this response seemed to contradict one of the factors claimed by the United States as justification for taking military action against Iraq. Mr. Chandler's response provoked anger and an immediate response from senior members of the Bush Administration. Small minds in Washington, and perhaps at the U.S. Mission in New York, as well, began to question US interest in maintaining its support for an independent Monitoring Group. It appeared that from that moment the Monitoring Group's days were numbered."

"The Monitoring Group's mandate was unceremoniously allowed to expire on January 17, 2004. And, on January 30th the Security Council adopted resolution 1526 – a resolution that tried to go in two directions at the same time. Security Council members recognized on the one hand that something had to be done to stimulate broader and more effective implementation of the measures it had adopted against Al Qaeda and the Taliban. This required additional encouragement and pressure on countries to comply. On the other hand, Security Council members no longer favored the close oversight and "naming and shaming' approach adopted by the Monitoring Group. The solution appeared to some, at the time, to transfer the role that had been played by the Monitoring Group to the Al Qaeda and Taliban Sanctions Committee itself. The Committee could then draw on expertise to be provided by a new panel under its tight control.

"Those in charge in Washington may have believed that by transferring the oversight responsibility directly to the al Qaeda and Taliban Sanctions Committee itself, they would somehow strengthen sanctions enforcement. But, this was a big mistake. And, the U.S. Delegation made a serious error in judgment supporting this new arrangement. It should have been clear to seasoned American diplomats that such a move would be deleterious to sanctions implementation and counterproductive to holding countries accountable, which were primary U.S. diplomatic objectives. How could they not have understood that the Security Council is, inevitably, an extremely political body. Its actions and decisions are always governed by diplomatic and political factors. Such factors would clearly constrain the Committee from holding specific countries publicly accountable, even in the most egregious situations. And, with the demise of the Monitoring Group, the U.N.'s ability to hold countries accountable was, in fact, seriously diminished."

On the role of the General Assembly

“There can be no doubt that the General Assembly has come a long way since its failure to respond positively to {the Munich Olympic terrorist attack}. The international community is long passed the period when a majority of UN members are more interested in castigating the West for colonialism than they are in coming to grips with the significant threat posed by international terrorism. However, the General Assembly continues to remain a chamber of words rather than deeds. And, to that extent, the real value of its deliberations has been to demonstrate that the international community is fed up with the threats, horror and tragedy of the senseless violence associated with terrorism. It has reached the point when it is no longer willing to seek to justify such actions, except, perhaps, when the terrorist violence is directed against Israel. Too many countries in the Middle East and elsewhere continue to justify, motivate, support and employ groups that use terrorist tactics in the furtherance of their goals. It is this continuing hypocrisy that has deprived the General Assembly of the full force of its moral strength in dealing with terrorism.”

On the role of UN Secretary General

“UN Secretary Generals are viewed internationally as the face and voice of the United Nations, and generally enjoy great public prestige and influence. They also effectively set a tone of work for the vast secretariat over which they ostensibly have some control. Some have used the position as a bully pulpit, while others have been more reserved in their presentations and pronouncements. While some clearly recognized the threat that terrorism posed to international peace and security, they were all, but one, reluctant to deviate from the low key posture on this issue adopted in both the Security Council and the General Assembly. And, when called upon to play some role, they preferred to treat terrorism within the context of the broader political situation. Of course, terrorism was then still viewed mostly as an extension of local insurgencies, or as a State backed covert activity. Kofi Annan would be the first Secretary General to break away from these constraints and to seek to play a greater role in designing and influencing international strategy for combating terrorism.”

“The real measure of success will come when the Secretary General can report, not only on UN agency activities, but also on concrete results, such as adoption of a comprehensive counter-terrorism convention and a consensus definition of terrorism, information on steps actually taken to implement counter-terrorism laws and measures, reports on assets frozen, improvements in border controls or in safeguarding weapons of mass destruction, and statistical improvements in the number and intensity of terrorist attacks,. These elements still appear to be lacking in the Secretary General’s progress reports.”